

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FORTH DIVISION

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CLERK OF COURT

DVI BUSINESS CREDIT CORPORATION,  
Successor-In-Interest to MEDCAPITAL  
FUNDING I CORPORATION

Plaintiff,

vs.

CARMEN SANTIAGO, an individual,  
GUAYNABO HOME CARE PROGRAM, INC.,  
a Texas corporation, C&L ESPARANZA  
HOME HEALTH, INC., a Texas corporation,  
CC HOME HEALTH LUBBOCK, a Texas  
corporation, CUIDADO CASERO HOME  
HEALTH OF EL PASO, INC., a Texas  
corporation, CUIDADO CASERO HOME  
HEALTH OF OKLAHOMA CITY, a Texas  
corporation, CUIDADO CASERO HOME  
HEALTH CENTRAL, INC., a Texas  
corporation

Defendants

CASE NO. 4:03-CV-01466A

JOINT APPLICATION FOR REMAND TO STATE COURT

Plaintiff, DVI Business Credit Corporation, and Defendants, Carmen Santiago, Guaynabo Home Care Program, Inc., C&L Esparanza Home Health, Inc., CC Home Health Lubbock, Cuidado Casero Home Health of El Paso, Inc., Cuidado Casero Home Health of Oklahoma City, Cuidado Casero Home Health Central, Inc., herewith file their Joint Application for Remand to State Court, and as grounds therefor would show the Court as follows:

1. On August 25, 2003, Debtors, DVI, Inc., DVI Financial Services, Inc., and DVI Business Credit Corporation, each commenced cases under Chapter 11, Title 11, of the United States Code (the "Bankruptcy Code").

2. As of August 25, 2003, Debtor DVI Business Credit Corporation had a pending civil action seeking judgment for over \$1,165,000.00 against Carmen Santiago, an individual, Guaynabo Home Care Program, Inc., a Texas corporation, C&L Esperanza Home Health, Inc., a Texas corporation, CC Home Health Lubbock, a Texas corporation, Cuidado Casero Home health of El Paso, Inc., a Texas corporation, Cuidado Casero Home Health of Oklahoma City, a Texas corporation, Cuidado Casero Home Health Central, Inc., a Texas corporation. Defendants have pending counterclaims against the estate.

3. On November 21, 2003, Plaintiff removed each claim and cause of action arising in the litigation to the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division, as authorized pursuant to 28 U.S.C. § 1452(a).

4. On December 3, 2003, Defendants filed their request for a jury trial and on December 19, 2003, filed their Motion to Withdraw Reference pursuant to 28 U.S.C. § 157(d).

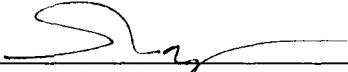
5. On January 13, 2004, the United States Bankruptcy Court filed its report and recommendation to withdraw the reference.

6. By Order dated January 14, 2004, this Court granted Defendants' Motion to Withdraw Reference.

7. Counsel for the parties have conferred and have agreed to stipulate to venue and jurisdiction in the state court proceeding, provided that this Court grants their Joint Application for Remand.

WHEREFORE, premises considered, the parties, Plaintiff, DVI Business Credit Corporation, and Defendants, Carmen Santiago, Guaynabo Home Care Program, Inc., C&L Esperanza Home Health, Inc., CC Home Health Lubbock, Cuidado Casero Home Health of El Paso, Inc., Cuidado Casero Home Health of Oklahoma City, Cuidado Casero Home Health Central, Inc., herewith move an Order of this Court remanding this action to the 153<sup>rd</sup> Judicial District Court for Tarrant County, Texas.

Respectfully submitted,



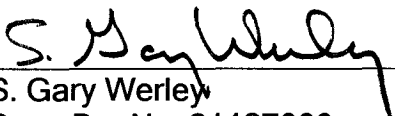
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